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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,429	09/05/2003	Charles Young	HYPKO.63134	7569
27629	7590	08/18/2004		
FULWIDER PATTON LEE & UTECHT, LLP 200 OCEANGATE, SUITE 1550 LONG BEACH, CA 90802				
			EXAMINER FONTAINE, MONICA A	
			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,429

Applicant(s)

YOUNG ET AL.

Examiner

Monica A Fontaine

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-19, 41-55 is/are pending in the application.
- 4a) Of the above claim(s) 43-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-19, 41 and 42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 090503.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election of claims 15-19, 41, and 42 in the reply filed on 1 June 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

It is noted that although claim 42 was not included in the Requirement for Restriction mailed to applicant on 19 May 2004, it is being examined herein as being dependent upon independent claim 15.

Claims 43-55 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inline skate wheel, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1 June 2004.

### *Claim Objections*

Claim 41 is objected to because of the following informalities: It is believed that the word "than" is missing in line 3, between the words "less" and "the". Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-19, 41, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roderick et al. (U.S. Patent 6,227,622), in view of Gonsior et al. (U.S. Patent 5,312,844). Regarding Claim 15, Roderick et al., hereafter "Roderick," show that it is known to carry out a method of manufacturing a quick turn inline roller skate wheel (Column 1, lines 66-67) including selecting a hard hub with an annular bearing housing having a pair of annular load bearing flanges of a combined predetermined axial width (Figure 1A, element 22); selecting a casting mold having upper and lower mold sections, said lower mold section configured with an annular mold cavity section defining a central lower hub cavity section and an outer lower tire body cavity section, said tire cavity section including a bottom wall extending radially outwardly from said hub section and formed with a downwardly and outwardly sloped narrowing section extending to a bottom maximum width ring and then turning radially outwardly to curve upwardly and radially outwardly to a juncture surface, said upper mold section being constructed to mate with said lower mold section and formed with a downwardly opening tire body cavity section having a wall aligned with said terminus and curving upwardly and radially inwardly to a top maximum width ring spaced from said bottom maximum width ring to form a maximum body width greater than said predetermined load bearing flange axial width and projecting radially inwardly to terminate in an annular sprue wall (Figure 1A; Column 3, lines 25-52; Column 4, lines 8-17; It is noted that the mold will be appropriately shaped per the desired final article shape as seen in Figure 1A.); and placing the hub in said lower hub cavity section (Column 4, lines 8-10). Roderick does

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not show holding the hub in a particular position using a back pin. Gonsior et al., hereafter "Gonsior," shows that it is known to carry out a method of making a wheel including positioning said upper mold section on said lower mold section (Figure 11; Column 5, lines 62-64); selecting a back pin and engaging it with said hub to position an annular back pin sculpture shoulder angling upwardly and axially outwardly from said load bearing flange to terminate in an annular sprue wall spaced annularly from said first sprue wall to form an annular sprue inlet (Figure 11; Column 5, lines 64-66); selecting a prepolymer of the type which will curve to a flexible mass and introducing it through said sprue inlet to fill said body cavity to form a resilient tire body (Column 5, lines 66-68); removing said back pin and said upper mold section (Column 5, lines 29-31); and removing and trimming said wheel (Column 5, lines 31-36). Gonsior and Roderick are combinable because they are concerned with a similar technical field, namely, methods of making wheels. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Gonsior's back pin to position the hub inside the mold during Roderick's molding of his wheel in order to insure proper and/or desired alignment and symmetry of the wheel.

Regarding Claim 16, Roderick shows the process as claimed as discussed in the rejection of Claim 15 above, but he does not show a specific configuration of a back pin. However, absent unexpected results, this apparatus limitation is being held as an obvious variation of the back pin of Gonsior (Figure 11, element 52) because its design has no apparent effect on the method steps (*Stalego and Drummond v. Heymes and Peyches*. 120 USPQ 473 (CCPA 1959); *Ex parte Pfeiffer*. 135 USPQ 31). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use

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back pins which are differently-configured from those in Gonsior during Roderick's molding method in order to insure proper and/or desired alignment and symmetry of the wheel.

Regarding Claim 17, Roderick shows the process as claimed as discussed in the rejection of Claim 15 above, but he does not show a specific orientation of a back pin. However, absent unexpected results, this apparatus limitation is being held as an obvious variation of the back pin of Gonsior (Figure 11, element 52) because its design has no apparent effect on the method steps (*Stalego and Drummond v. Heymes and Peyches*. 120 USPQ 473 (CCPA 1959); *Ex parte Pfeiffer*. 135 USPQ 31). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use back pins which are disposed at different locations from those in Gonsior during Roderick's molding method in order to insure proper and/or desired alignment and symmetry of the wheel.

Regarding Claim 18, Roderick shows the process as claimed as discussed in the rejection of Claim 15 above, including a method wherein said hub is selected of first and second sections having first and second joint sections and includes the steps of joining the first and second sections before placing said hub in said mold (Column 4, lines 8-10), meeting applicant's claim.

Regarding Claim 19, Roderick shows the process as claimed as discussed in the rejection of Claim 15 above, including a method wherein the step of selecting said hub includes selecting said first and second sections of the type cooperating to, when joined, form an annular shell disposed concentrically thereabout (Column 4, lines 8-9; It is noted that the phrase "to define a lightening cavity" is being treated as intended use.); and the

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step of placing said hub in said mold includes placing said annular shell in said tire body section (Column 4, lines 8-10), meeting applicant's claim.

Regarding Claim 41, Roderick shows the process as claimed as discussed in the rejection of Claim 15 above, including a method wherein said introducing includes selection of a polymer of the type which cures to a hardness less [than] the hardness of the hub (Column 3, lines 31-33), meeting applicant's claim.

Regarding Claim 42, Roderick shows the method as claimed as discussed in the rejection of Claim [15] above, including a quick turn skate wheel manufactured by the said method (Figure 1A), meeting applicant's claim.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica A Fontaine whose telephone number is 571-272-1198. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Colaianni can be reached on 571-272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Maf*

Maf  
August 16, 2004

  
**MICHAEL P. COLAIANNI**  
**SUPERVISORY PATENT EXAMINER**